

**Nursing and Midwifery Council
Fitness to Practise Committee**

**Substantive Meeting
Wednesday 14 September 2022**

Virtual Meeting

Name of registrant:	Sheila Loveridge
NMC PIN:	9114467E
Part(s) of the register:	Registered Nurse – Adult Nursing (September 1994)
Relevant Location:	City of Westminster
Type of case:	Conviction
Panel members:	Michael Murphy (Chair, registrant member) Jude Bayly (Registrant member) Ian Dawes (Lay member)
Legal Assessor:	Ian Ashford-Thom
Hearings Coordinator:	Alice Byron
Facts proved:	Charge 1
Facts not proved:	N/A
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Meeting

Mrs Loveridge was not in attendance at this meeting, and the panel noted that the Notice of Meeting had been sent to Mrs Loveridge's registered email address on 8 August 2022, which set out that this substantive meeting would be heard on or after 12 September 2022. The panel further noted that, on her case management form, dated 10 May 2022, Mrs Loveridge requested that this matter be dealt with in a meeting.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, first possible date, and venue of the meeting.

In the light of all of the information available, the panel was satisfied that Mrs Loveridge has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Details of charge

That you, a registered nurse:

- 1) On 27 April 2021, at Westminster Magistrate's Court, you were convicted on indictment for dishonestly failing to disclose information and making a gain for yourself causing/exposing another a loss contrary to the Fraud Act 2006 section 2.

AND in light of the above, your fitness to practise is impaired by reason of your conviction.

Decision and reasons on facts

The charges concern Mrs Loveridge's conviction and, having been provided with a copy of the certificate of conviction, dated 27 April 2021, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

- '31.—** (2) *Where a registrant has been convicted of a criminal offence—*
- (a) *a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
 - (b) *the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*
- (3) *The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

The panel also had regard to written representations from Mrs Loveridge. It noted that she now disputes the facts behind her conviction and reports that she was ill-advised to plead guilty at the Magistrate's Court. However, the panel noted the advice of the legal assessor and the provisions of Rule 31, that it is not open to Mrs Loveridge or the panel to go behind the certificate of conviction.

Background

The charges arose whilst Mrs Loveridge was employed as a registered nurse by North East London Commissioning Support Unit (NELSCU). Between late 2018 and June 2019, Mrs Loveridge was on [PRIVATE] leave from her role at NELSCU [PRIVATE].

Whilst Mrs Loveridge was on [PRIVATE] leave, she acquired employment with Genesis Care Ltd and undertook paid work delivering Infection Prevention and Control training to their employees. She received payment in respect of her [PRIVATE] leave from NELSCU, and the work which she undertook at Genesis Care Ltd. Mrs Loveridge failed to declare this alternative employment to NELSCU.

Mrs Loveridge was charged by the Crown Prosecution Service with Fraud by false representation under Section 2 of the Fraud Act 2006 and pleaded guilty to this charge on 27 April 2021 at Westminster Magistrates' Court. She was subsequently sentenced on the 15 June 2021 at Southwark Crown Court to 16 months imprisonment suspended for 24 months, fined £500 and a victim surcharge of £140. Prior to sentencing, Mrs Loveridge had fully and voluntarily repaid the sums fraudulently procured.

Fitness to practise

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Mrs Loveridge's fitness to practise is currently impaired by reason of Mrs Loveridge's conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to remain on the register unrestricted.

Representations on impairment

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This includes the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

The panel bore in mind the information which Mrs Loveridge had provided to the NMC for the purpose of this meeting, which included a reflective piece dated 1 August 2022. The panel noted Mrs Loveridge's explanation [PRIVATE], and that she was not supported in her work during this time. The panel also noted that Mrs Loveridge denies that she intended to act dishonestly, and she stated that:

"I chose to try and help – and in the endless confusion of my life made a mistake – through not with deliberate forethought. However, I cannot stress

strongly enough that I did not deliberately set out to defraud the NHS. I did not get up one morning intending to defraud the NHS”

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *CHRE v NMC and Grant* and *Council for the Regulation of Healthcare Professionals v General Dental Council & Fleischmann* [2005] EWHC 87 (Admin).

Decision and reasons on impairment

The panel next went on to decide if as a result of the conviction Mrs Loveridge’s fitness to practise is currently impaired.

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients’ and the public’s trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

‘In determining whether a practitioner’s fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.’

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's “test” which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/their fitness to practise is impaired in the sense that S/He/They:

- a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel bore in mind that there was no evidence before it of any clinical concerns, or any physical or emotional harm caused to patients as a result of the actions which led to Mrs Loveridge's conviction. The panel therefore determined that a finding of current impairment was not required for public protection.

The panel determined that Mrs Loveridge's conduct and conviction had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to a conviction for a dishonesty offence which resulted in a suspended custodial sentence to be extremely serious.

Regarding insight, the panel considered that Mrs Loveridge made admissions to the offence at an early stage at the Magistrates Court, which she now appears to have resiled from, in an undated letter to the Chief Executive of the NMC, Mrs Loveridge stated:

"I had been coerced into pleading guilty to the CPS charge on account of my colour. I was advised that in asking for a jury trial, people would take one

look at me and find me guilty due to my colour, and that pleading guilty would be the quickest way for the case to end.”

The panel concluded that Mrs Loveridge has not demonstrated an understanding of how her actions were wrong and how this will have impacted negatively on the reputation of the nursing profession, and the confidence which her patients may have in her as a nurse, therefore there is little, if any, evidence of insight before the panel.

The panel noted that Mrs Loveridge admitted impairment in her case management form, dated 10 May 2022. It found that she provided explanations of personal mitigation at the time the charges arose, but has not demonstrated remorse or any attempts to remediate the concerns which underpin her criminal conviction. In its consideration of whether Mrs Loveridge has taken steps to strengthen her practice, the panel took into account that there was no evidence before it that her conviction or fraudulent activity resulted in any clinical failings which could be addressed through retraining.

The panel noted the remarks of the sentencing judge, who stated:

“It is appropriate to suspend the sentence because the prospect of you ever committing another offence is negligible and the prospect of rehabilitation is as plain as it ever could be.”

However, the panel concluded that, in the absence of evidence of remorse, insight or remediation on Mrs Loveridge’s part, it could not be satisfied that the regulatory concern relating to dishonesty would not be repeated.

The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel bore in mind the case of *Fleischmann* and noted that a criminal offence which results in a serious custodial sentence is difficult to reconcile with a finding of no current

impairment. The panel distinguished Fleischmann from the matter before it, in that an immediate custodial sentence was not imposed on Mrs Loveridge, however, it concluded that a suspended sentence of 24 months which remains current until June 2023 is also a serious sentence.

The panel determined that, in this case and for the reasons outlined above, a finding of impairment on public interest grounds is required.

Having regard to all of the above, the panel was satisfied that Mrs Loveridge's fitness to practise is currently impaired.

Sanction

The panel has considered this case carefully and has decided to make a striking-off order. It directs the registrar to strike Mrs Loveridge off the register. The effect of this order is that the NMC register will show that Mrs Loveridge has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Representations on sanction

The panel noted that in the Notice of Meeting, dated 8 August 2022, the NMC had advised Mrs Loveridge that it would seek the imposition of a striking off order if it found Mrs Loveridge's fitness to practise to be currently impaired.

The panel also bore in mind that Mrs Loveridge has advised the NMC that she no longer wishes to practise as a nurse and has twice applied for voluntary removal from the register, which was deemed an unsuitable resolution by the Registrar as Mrs Loveridge did not consider her actions to be dishonest.

Decision and reasons on sanction

Having found Mrs Loveridge's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Abuse of a position of trust
- Lack of insight into failings
- Financial gain
- Continued dishonesty over a sustained period of time

The panel also took into account the following mitigating features:

- An early acceptance of guilt at the Magistrates Court
- Repayment of sums fraudulently procured
- Personal mitigation [PRIVATE]

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the conviction, and the public interest issues identified, an order that does not restrict Mrs Loveridge's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Loveridge's conviction was serious and therefore was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the seriousness of the case. The

panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Mrs Loveridge's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The concerns relating to dishonesty identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mrs Loveridge's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel noted that the serious breach of the fundamental tenets of the profession evidenced Mrs Loveridge's actions is fundamentally incompatible with Mrs Loveridge remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*

- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

Mrs Loveridge's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mrs Loveridge's actions were serious and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Mrs Loveridge's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Mrs Loveridge in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Mrs Loveridge's own interests until the striking-off sanction takes effect.

The panel heard and accepted the advice of the legal assessor.

Representations on interim order

The panel took account of the representations made by the NMC that an interim order of suspension should be imposed on the basis that it is otherwise in the public interest in order to uphold public confidence in the profession and the NMC as regulator. It considered an interim order of 18 months is necessary to cover any possible appeal period.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary in the public interest. The panel were satisfied that this case meets the high bar for an interim order to be made solely on that ground. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months in order to cover the period of any potential appeal of this order.

If no appeal is made, then the interim suspension order will be replaced by the substantive striking off order 28 days after Mrs Loveridge is sent the decision of this hearing in writing.

That concludes this determination.